

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Cornelia Calderone, Chair, Joseph Sieber,  
Vice Chairman, and Frank Serico, Member

**From:** Gerald Yarbrough, Executive Secretary  
Board of Review

**Subject:** Minutes of the May 10, 2006  
Board of Review Meeting

**Date:** May 12, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO  
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, May 10, 2005 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, May 17, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Vice Chair  
Mr. Serico, Member  
Mr. Yarbrough, Executive Secretary  
Absent: Ms. Calderone, Chair

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the May 3, 2005 meeting were approved.
3. New Business

**(a) 98,637**

Ms. Futterman presented this case that involved a claimant who was injured at work and received Workers' Compensation benefits until April 13, 2005. The claimant filed a claim for unemployment benefits as of May 1, 2005 and did not contact the employer for available work prior to filing for unemployment benefits. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). After discussion, the Board voted to affirm the Appeal Tribunal.

**(b) 92,819**

Mr. Gitter described this case that involved a claimant who was discharged by the employer because of a history of absenteeism, tardiness and disruptive behavior, for which she received warnings. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(b). The Board noted that the last incident did not constitute misconduct connected with the work and voted to affirm the Appeal Tribunal.

**(c) 105,401**

As presented by Mr. Gitter, this case involved a claimant who was the president and owned 50% of the stock in the company on which his claim is based. The claimant's partner pulled out of the company and a bank seized the company's assets. The Appeal Tribunal had held the claim filed as of February 5, 2005 invalid as the claimant was not unemployed. The Board noted that the record was insufficient to support the conclusion. As a result, the Board voted to hold a hearing. Mr. Sieber will conduct the hearing.

**(d) 95,918**

As described by Ms. Keller, this case involved a claimant who was discharged by the employer when she was away from her work area for an extended period of time without explanation. The Appeal Tribunal had held the claimant not disqualified under N.J.S.A.43:21-5(b). The Board noted that the decision was not supported by the record and voted to reverse the Appeal Tribunal. Ms. Keller will prepare the decision.

**(e) 104,252**

Ms. Keller presented this case that involved a claimant who left work with the employer. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). After discussion, the Board voted to affirm the Appeal Tribunal.

**(f) 102,401**

Ms. Abrunzo described this case that involved a claimant who was employed as a janitorial maintenance worker and temporarily transferred to an overnight stock worker. The stock work was seasonal. When the stock work ended, the claimant did not return to the janitorial job. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a) or (b), but disqualified for benefits under N.J.S.A. 43-21-5(c) and liable to repay benefits. The Board noted that the record indicated the claimant left work voluntarily without good cause attributable to the work. As a result, the Board voted to modify the Appeal Tribunal, holding the claimant disqualified for benefits under N.J.S.A. 43:21-5(a) Ms. Abrunzo will prepare the decision.

There being no further business to transact, a motion was made by Mr. Serico to adjourn the meeting. Mr. Sieber seconded the motion.

SUBMITTED FOR APPROVAL:

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Gerald Yarbrough  
Executive Secretary

GY:gs